

Attorney Docket No.: DBT004PCTUS1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Georges, et al.)	
)	
Serial No.: 10/541,536)	
)	
Filed: July 6, 2005)	Examiner:
)	
For: Systems and Methods for Creating,)	Group Art Unit:
Modifying, Interacting with and)	
Playing Musical Compositions)	
)	

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: PCT LEGAL OFFICE

REQUEST FOR RECONSIDERATION

In response to the Decision mailed 12 Feb. 2007, Applicant hereby requests reconsideration of that Decision, and in particular reconsideration of the failure to grant the petition under 37 CFR 1.137(b). The PTO's factual statement that the declaration of Mr. Damevski was a "composite" is incorrect. Moreover, Applicant is submitting herewith a newly-signed declaration of Mr. Damevski as suggested in the Decision.

First, the factual record in this case is clear – Mr. Damevski was tendered and reviewed and signed a complete declaration. This was sent electronically to Mr. Damevski using the well-know PDF file format. There is nothing in the record to suggest that Mr. Damevski ever received, reviewed, executed, etc., anything other than a complete declaration. As Mr. Damevski's declaration makes clear, however, as an initial matter he only printed and signed and returned the signature page. Thereafter, however, upon request of the PTO, he tendered the complete declaration that he signed including the previously signed signature page. The signature page and the other pages were printed at different times and thus may look different due to printing artifacts, but the reality is that Mr. Damevski signed and returned the complete declaration that he signed – it was not a composite of two different documents.

In order to expedite this matter, however, Applicant has requested that Mr. Damevski sign and return a new, complete declaration, which he has done. The newly executed declaration of Mr. Damevski is included herewith.

Applicant respectfully requests reconsideration based on the two reasons stated above.

Applicant respectfully requests that the Decision be reconsidered, and that the USPTO take whatever action and charge whatever fee may be appropriate for the relief requested so that this applicant may proceed to examination.

The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge any required fees to Deposit Account No. 50-0251. Please charge any additional fees due, or credit any overpayment, to Deposit Account No. 50-0251.

Respectfully submitted,



Alan R. Loudermilk
Registration No. 32,788
Attorney for Applicant(s)

February 20, 2007
P.O. Box 3607
Los Altos, CA 94024-0607
408-868-1516

I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

